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CR

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/959,575	10/28/97	CARLSON	R 1505/5A

LM02/0523

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EXAMINER

MEISLAHN, D

ART UNIT

PAPER NUMBER

2767

DATE MAILED:

05/23/00

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/959,575

Applicant(s)
Carlson

Examiner
Douglas Meislahn

Group Art Unit
2767



☒ Responsive to communication(s) filed on Apr 25, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 17 and 18 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 17 and 18 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

DETAILED ACTION

Response to Amendment

1. This action is in response to the CPA amendment that cancelled claims 19-22 and 29-43 while amending the title and claims 17 and 18.

Response to Arguments

2. Applicant's arguments with respect to claims 17 and 18 have been considered but are moot in view of the new ground(s) of rejection. The additions to the claims have overcome the rejections based upon Vasseur.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 17 and 18 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The population size of the sets of potentially random numbers is not given. The most part of the specification seems to be lines 16-18 of page 27, in which applicant says that numbers are stored "to build a group large enough to be verified." The parameters of verification (specifically the alpha) are not defined. Thus, two elements are missing: the number of random numbers that form a group and the cutoff point for randomness.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 2767

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 17 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. The term "substantially" which is used at least thrice in claim 17 is a relative term which renders the claim indefinite. The term "substantially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of Vasseur (3309509) and Wilke et al. (4093223).

In his background section, applicant lays out the basic premise of electronic gaming. That is, clientele bet money on games of chance, wherein randomness is determined by a computer. It is apparent from the description that random number generators are employed to produce series of pseudo-random numbers. This series is composed of sets of numbers that are obviously pseudo-random in the long run. A controller is necessary to route these random numbers. Numbers are anticipated as

being available upon demand for gaming purposes. Applicant's admitted prior art also says that the system must be random. Several games of chance are listed.

Applicant's admitted prior art does not say that sets from the series of random numbers must in and of themselves appear to be random. Wilke et al. present a different gaming system in which sets of random numbers are generated in a fashion that "is felt . . . [to be] sufficient . . . to insure the randomness of . . ." the variables in the sets (column 12, lines 64-65). Note that this does not actually insure that the sets of numbers are sufficiently random. Vasseur teaches, as his title says, a system for checking the random character of a sequence of symbols. This includes a verifier. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply the verification system of Vasseur to the gaming engine of Wilke et al. in order to assure the system of the randomness of different sets of numbers. Sets of numbers that were not random would obviously not be used. It would have been further obvious to a person of ordinary skill in the art at the time the invention was made to apply this combined teaching of Wilke et al. and Vasseur to the electronic gaming of applicant's admitted prior art in order to allow the latter to run games such as ones anticipated by Wilke et al.

With respect to claim 18, RAM 36 of Wilke et al., mentioned in line 2 of column 13, anticipates applicant's buffer.

Conclusion


10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Coburn (5396440), James, III (5U51165), Gillette (494306U), Simkus et al. (4819818), Dunnigan (4786056), and Goott (4441714).

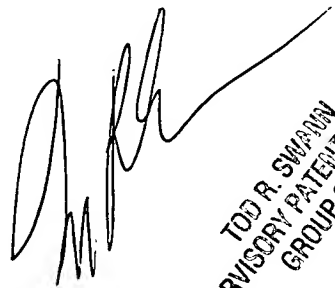
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas J Meislahn whose telephone number is (703) 305-1338. The examiner can normally be reached between 9AM - 6PM, except for every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tod Swann can be reached on (703) 308-7791. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-9051 for regular communications and (703) 308-905U for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Douglas J Meislahn
Examiner
Art 2nit U767


DJM
May 21, 2000


TOD R. SWANN
SUPERVISORY PATENT EXAMINER
GROUP 2700

FORM PTO-892		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		SERIAL NO. 08959575	GROUP ART UNIT 2767	ATTACHMENT TO PAPER NO.	13
NOTICE OF REFERENCES CITED				APPLICANT(S) Carlson			
U.S. PATENT DOCUMENTS							
*		DOCUMENT NO.	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	A	5,396,440	3/1995	Coburn	702	106	
	B	5,251,165	10/1993	James III	708	250	
	C	4,943,062	7/1990	Gillette	273	144B	
	D	4,819,818	4/1989	Simkus et al.	463	22	
	E	4,786,056	11/1988	Dunnigan	273	144A	
	F	4,441,714	4/1984	Goott	273	144B	
	G	4,093,223	6/1978	Wilke et al.	463	4	
	H						
	I						
	J						
	K						
FOREIGN PATENT DOCUMENTS							
*		DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUB-CLASS
	L						
	M						
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	P						
	Q						
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)							
	R						
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EXAMINER Douglas Meislahn			DATE May 21, 2000				
Form892ccs2106b							
* A copy of this reference is not being furnished with this office action. (See Manual of Patent Examining Procedure, section 707.05(a).)							